

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Michael Puia

v.

Case No. 10-cv-199-PB

Lee Police Department, et al.

O R D E R

The plaintiff's only federal claims allege that the defendants violated plaintiff's rights to due process and equal protection.<sup>1</sup> It is nearly impossible from the complaint to determine the alleged basis for these claims. Viewing the complaint generously, however, plaintiff appears to claim that the state actors violated his constitutional rights by (1) failing to prevent his children from being taken from his custody by the children's mother, and (2) serving him with a fraudulent domestic violence petition without conducting a proper investigation. Defendants have persuasively argued that the plaintiff has failed to state viable constitutional claims and the plaintiff has

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<sup>1</sup> Although plaintiff makes a passing reference to the Fourth Amendment, he does not assert an illegal search or seizure claim. Further, although he makes reference to 42 U.S.C. §§ 1983, 1985 and 1986, these statutes do not provide him with a basis for relief. Section 1983 does not by itself provide a cause of action, and the facts pleaded in the complaint do not come close to alleging viable claims under either § 1985 or § 1986.

failed to provide a substantive response to the defendants' arguments. Accordingly, the plaintiff's federal constitutional claims are dismissed with prejudice.<sup>2</sup>

The plaintiff has asserted several causes of action based on state law. The court does not have diversity of citizenship jurisdiction over these claims and declines to exercise supplemental jurisdiction over them. These claims are dismissed without prejudice.

Counts I and II are dismissed with prejudice. The remaining counts are dismissed without prejudice to plaintiff's right to file his claims in state court. All pending motions are denied as moot to the extent that they are inconsistent with this order.

SO ORDERED.

/s/Paul Barbadoro  
Paul Barbadoro  
United States District Judge

December 3, 2010

cc: Michael Puia, pro se  
Brian J.S. Cullen, Esq.  
Garry R. Lane, Esq.  
J. Kirk Trombley, Esq.  
John C. Kissinger, Esq.

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<sup>2</sup> Plaintiff anticipates that his claims will be subject to dismissal and asks for a chance to amend the complaint. He has, however, failed to explain how he would cure the many deficiencies in his complaint if he were given an opportunity to amend. Accordingly, I deny his request to amend on the ground that any such amendment would be futile.